

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MEMORANDUM ORDER

This Court has received the attached letter from Calvin Lockhart ("Lockhart"), who is serving a 100-month sentence based on his February 2009 guilty plea to a mail fraud charge (one of 12 counts that set out a major scheme to defraud and that constituted relevant conduct for purposes of the sentence on the single count covered by Lockhart's plea agreement). This memorandum order is issued both to inform Lockhart why his request cannot be granted and to avoid any problem that might stem from the fact that the letter itself is an ex parte communication (copies of this memorandum and the letter are being transmitted to Lockhart's criminal case counsel and to the United States Attorney's office).

This Court is not permitted to enter into the areas covered by Lockhart's request. Once a criminal sentence has been imposed, Fed. R. Crim. P. 35(a) provides a very brief window of time--just 14 days--within which the sentencing court may correct the sentence (and even that is limited to narrow grounds).

Jurisdiction over the types of matters about which Lockhart writes is vested solely in the Bureau of Prisons. Accordingly this Court must deny Lockhart's requests as beyond its jurisdiction.



Milton I. Shadur
Senior United States District Judge

Date: April 21, 2011

Honorable Judge Shadur,

My name is Calvin Lockhart, Federal Inmate Id. # 20170-424. I am writing to you in reference to case #089cr109-1 of which I pled guilty in Feb. 2009 to a term of 100 months in the Federal Bureau of Prisons. I have 2 requests that I would like to address in this letter that more or less revolve around the same subject. As your record will reflect I had a substantial amount of restitution that in the majority of all fraud cases must be paid or at the very least court ordered to be paid. I am unable to pay the bureau minimum of \$25 quarterly and seeked to have my restitution waived until I am released to the Federal Halfway House and I acquire employment. Which is my next request, the 2007 Second Chance Act allows Bureau of Prison staff to consider inmates for up to 1 year of halfway house. I would like to have the court mandate me 1 year halfway house so that I am able to secure employment and provide for my family and my restitution. I would be willing to reside in the halfway house the entire year so that the court would be able to monitor my progress and report monthly to whomever this Honorable Court designates. This is a sound decision in both the interest of Justice, and it provides for some type of money to be paid to the victims of my crimes, for whom I feel remorse for. An order signed by you mandating the halfway house for 12 months and waiving the restitution until I am released is in the best interest of all parties concerned. I thank you in advance for your timely response and await your order.

Respectfully,



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